IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 2412 of 2002

Between:

Letter (anoymous) addressed by a citizen of Vijayawada.

..... PETITIONER

AND

1 The Commissioner of Police,
Vijayawada, Krishna District.
2 The Director General of Police, Government of Andhra Pradesh,
Hyderabad.
3 The Secretary to Government of Andhra Pradesh, Municipal Administration,
Hyderabad.
4 The District Collector,
Krishna District at Machilipatnam.

(RRs.1 to 4 are deleted from the cause title as per court order in W.P.No.2412 dt.7.2.02)

5 The Municipal Commissioner,
Vijayawada, Krishna District.
6 The Vice-Chairman, Vijayawada-Guntur-Tenali-Mangalagiri (V.G.T.M)
Urban Development Authority at Vijayawada, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of

Mandamus in and connected to the illegal construction of a multi-Storeyed building at Door No.24-25-42, Durgapuram (by the side of Ghaantasala Music College) Vijayawada. Krishna District; and to direct the respondents herein to stop the said construction in the interest of justice; and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.Y.RAMA RAO

Counsel for the Respondent Nos.5 and 6: MR.T.S.VENKATARAMANA

The Court made the following Oral Order : (per Sri Devinder Gupta, CJ)

In the anonymous letter addressed to a Judge of this Court, it was complained that when an illegal multi storied building was being constructed at D. No. 24-25-42, Durgapuram, Vijayawada, by a builder, the matter was reported to the authorities concerned, but no action was taken. This petition was registered as taken up petition.

In the counter affidavit of Commissioner of Municipal Corporation, Vijayawada filed on 22.2.2002, it is stated that one Smt. Koneru Ramatulaasamma had applied for sanction of plans to construct a residential building and the same was rejected on the ground that the plan proposals were in violation of the Zoning Regulations. Thereafter, fresh plans were submitted, which were sanctioned. The applicant, thereafter had commenced construction. However, when it was noticed that the applicant had raised the constructions deviating the approved plan, proceedings were taken out against the applicant under the relevant provisions of law. The said person was also convicted and fined twice by the concerned Magistrate for raising such unauthorized constructions in violation of the Master Plan and Zoning Regulations. A notice was also issued to the said person under Section 636 of the Hyderabad Municipal Corporation Act, 1955. Learned counsel for the respondent-Corporation is not in a position to tell us about the further action if any taken.

In the circumstances, we dispose of the writ petition with a direction to the respondents that in case, further action if any has not been taken so far will be taken in accordance with law, in case, there has been any violation of the provisions of law by the person who has raised the constructions. Needful will be done within a period of four months from the date of receipt of writ order.

The writ petition is accordingly disposed of. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

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M. NARAYANA REDDY, J

Pnb

To

1 The Commissioner of Police, Vijayawada, Krishna District.

2 The Director General of Police, Government of A.P., Hyderabad.

3 The Secretary to Government of A.P., Municipal Administration,

Hyderabad.

4 The District Collector, Krishna District at Machilipatnam.

5 The Municipal Commissioner,
Vijayawada, Krishna District.

6 The Vice-Chairman, Vijayawada-Guntur-Tenali-Mangalagiri (V.G.T.M) Urban Development Authority at Vijayawada, Krishna District.

7 Two C.D. copies